

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 06-65(1) (DWF/AJB)

Plaintiff,

v.

ORDER

John Gregory Payton,

Defendant.

Thomas M. Hollenhorst, Assistant United States Attorney, United States Attorney's Office,
counsel for Plaintiff.

Joseph P. Tamburino, Esq., Caplan Law Firm, PA, counsel for Defendant.

Based upon the Report and Recommendation by United States Magistrate Judge
Arthur J. Boylan dated April 12, 2006, with all the files and records, and no objections
having been filed to said Recommendation, **IT IS HEREBY ORDERED** that Defendant
John Gregory Payton's Motion to Dismiss (Doc. No. 25) is **DENIED**.

Dated: May 1, 2006

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court